

EDO Principal Correspondence Control

FROM: DUE: 08/16/11

EDO CONTROL: G20110552

DOC DT: 07/21/11

FINAL REPLY:

Representative Nita M. Lowey

TO:

Chairman Jaczko

FOR SIGNATURE OF :

** PRI **

CRC NO: 11-0432

Chairman Jaczko

DESC:

ROUTING:

Indian Point Safety Concerns
(EDATS: SECY-2011-0430)

Borchardt
Weber
Virgilio
Ash
Mamish
OGC/GC
Leeds, NRR
Wiggins, NSIR
Dean, RI
Burns, OGC
Schmidt, OCA

DATE: 07/28/11

ASSIGNED TO:

CONTACT:

EDO

Rihm

SPECIAL INSTRUCTIONS OR REMARKS:

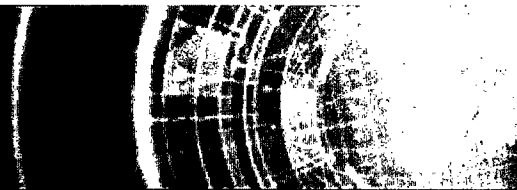
Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). NRR, NSIR and Region I to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate response with OGC and OCA.

Template: SECY-017

ERIDS: SECY-01

EDATS

Electronic Document and Action Tracking System



EDATS Number: SECY-2011-0430

Source: SECY

General Information

Assigned To: OEDO

OEDO Due Date: 8/16/2011 11:00 PM

Other Assignees:

SECY Due Date: 8/18/2011 11:00 PM

Subject: Indian Point Safety Concerns

Description:

CC Routing: NRR; NSIR; RegionI; OGC; OCA

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20110552, LTR-11-0432

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

OEDO Monthly Report Item: NO

Process Information

Action Type: Letter

Priority: Medium

Sensitivity: None

Signature Level: Chairman Jaczko

Urgency: NO

Approval Level: No Approval Required

OEDO Concurrence: YES

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). NRR, NSIR and Region I to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate response with OGC and OCA.

Document Information

Originator Name: Representative Nita M. Lowey

Date of Incoming: 7/21/2011

Originating Organization: Congress

Document Received by SECY Date: 7/28/2011

Addressee: Chairman Jaczko

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

**OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET**

Date Printed: Jul 28, 2011 08:34

PAPER NUMBER:	LTR-11-0432	LOGGING DATE:	07/25/2011
ACTION OFFICE:	EDO		

AUTHOR:	REP Nita Lowey
AFFILIATION:	CONG
ADDRESSEE:	Gregory Jaczko
SUBJECT:	Concerns Indian Point

ACTION:	Signature of Chairman
DISTRIBUTION:	RF, OCA to Ack

LETTER DATE:	07/21/2011
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ACKNOWLEDGED	No
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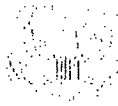
SPECIAL HANDLING:	Commission Correspondence
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NOTES:

FILE LOCATION:	ADAMS
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DATE DUE:	08/18/2011	DATE SIGNED:	
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July 21, 2011

Chairman Gregory B. Jaczko
U.S. Nuclear Regulatory Commission
Mail Stop O-16G4
Washington, DC 20555-0001

Dear Chairman Jaczko:

The safety of nuclear power plants relies on adherence to Nuclear Regulatory Commission regulations and a well-trained security force. I am deeply concerned about information my office has received indicating the Resident Inspectors at Indian Point may be aware of and have failed to address security and regulatory failures, giving deference instead to Entergy practices.

Several Indian Point employees feel they have no credible authority to whom they can identify workplace health concerns and potential security failures. Further, they believe that any information provided to the Resident Inspectors could be used as a basis for retaliation.

Training

Some employees indicate they are yet to be properly trained on the ARINC security system, which went online February 17, 2011, hours before the NRC's deadline. I have received allegations that Indian Point employees who informed a Resident Inspector that guards had not been trained on the system and were not able to protect against threats were told the lack of training would be addressed the next morning, after the system was instituted. Such a decision would have left Indian Point at risk of attack with a security force unable to properly measure and combat threats to the perimeter of the facility.

Occupational Safety

Additionally, I am concerned that 53 FR 43950 (the October 31, 1988 Memorandum of Understanding (MOU) Between the Nuclear Regulatory Commission and the Occupational Safety and Health Administration; Worker Protection at NRC-licensed Facilities) has left confusion between the NRC and OSHA regarding workplace safety responsibilities, and that critical nuclear security violations may be missed due to bureaucratic processes.

The MOU states that "Both the NRC and OSHA have jurisdiction over occupational safety and health at NRC-licensed facilities" and that the NRC's responsibilities include "protecting the public health and safety; protecting the environment; protecting and safeguarding materials and plants in the interest of national security."

My office has received complaints that facilities on Indian Point grounds, such as the Simulator building, have been without working HVAC systems or windows to provide ventilation. During our tour on May 10th, 2011, a cool spring day, we noted the heat in the Simulator building. Now, with summer temperatures above 90 degrees Fahrenheit, conditions inside the Simulator building are unworkable. While I am pleased that Entergy officials responded when my office contacted the company about these allegations, I remain concerned that Indian Point employees indicate persistent failure by NRC and OSHA to address such complaints, which would pose a direct threat to the security officers' abilities to protect the facility. If employees are working in unhealthy conditions, they cannot properly protect or learn to protect against threats. Though I understand repairs are scheduled, it is shocking that Indian Point employees have been training and assigned in these facilities.

Furthermore, I have been told the Bullet Resistant Enclosures (BREs), which house on-duty security officers, often leak water, are contaminated with mold, and provide no cooling or HVAC system to ventilate, cool, or filter the air. Under the MOU, these threats to health, safety, and national security are clearly within the jurisdiction of the NRC. There must be a clearer chain of command to adequately address basic health and safety concerns of security personnel.

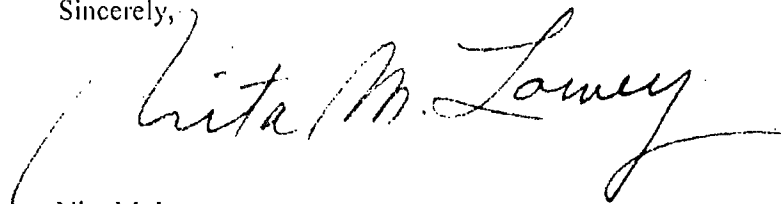
Regulatory Exemptions

Finally, on our May 10th tour, I was assured that I would be provided information about regulatory exemptions provided to Indian Point. Despite continued requests from my staff, this information has not been provided by the NRC.

A list of exemptions granted to Indian Point should be readily available, and I hope this delay does not reflect the NRC's inability to track them due to an excessively high volume of exemptions or a desire to withhold health and safety exemptions related to the concerns I have outlined. Information on exemptions, including the total number requested, granted, and a summary of each exemption provided to Entergy for the operation of the Indian Point facility, should be delivered to my office without delay.

The safety and security of New Yorkers is my primary concern. With such a critical role in that effort, I hope the NRC will be more cooperative in addressing these serious concerns about the ability of Indian Point security personnel to carry out their jobs. We simply cannot allow those who live in the New York metropolitan area to be susceptible to avoidable risks.

Sincerely,

A handwritten signature in black ink, reading "Nita M. Lowey". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nita M. Lowey
Member of Congress